

UNITED STATES DISTRICT COURT  
for the

Southern District of Georgia  
Statesboro Division

2008 NOV 12 PM 12:11

United States of America  
v.

Heriberto Cosme

Date of Previous Judgment: May 9, 1997  
(Use Date of Last Amended Judgment if Applicable)

)  
)  
) CLERK [Signature]  
) Case No: CR696-00007-002 DIST. OF GA.  
) USM No: 09328-021  
) Dwight Jay Stewart  
) Defendant's Attorney

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months is **reduced to** \_\_\_\_\_.

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)

Previous Offense Level: <u>34</u>	Amended Offense Level: <u>34</u>
Criminal History Category: <u>I</u>	Criminal History Category: <u>I</u>
Previous Guideline Range: <u>151</u> to <u>188</u> months	Amended Guideline Range: <u>151</u> to <u>188</u> months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):

**III. ADDITIONAL COMMENTS**

The defendant is presently serving a period of incarceration based on the revocation of his term of supervised release. Pursuant to U.S.S.G. § 1B1.10, Application Note 4(A), only a term of imprisonment imposed as part of the original sentence is authorized to be reduced. This section does not authorize a reduction in the term of imprisonment imposed upon revocation of supervised release.

Except as provided above, all provisions of the judgment dated May 9, 1997, shall remain in effect.

**IT IS SO ORDERED.**

Order Date: Nov. 12, 2008

[Signature]  
Judge's signature

Effective Date:

\_\_\_\_\_  
(if different from order date)

B. Avant Edenfield  
United States District Judge  
For the Southern District of Georgia  
\_\_\_\_\_  
Printed name and title